



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

Certified Mail Return Receipt Requested

REPLY TO THE ATTENTION OF:

August 28, 2007

Gary C. Wilkerson
Vice President, General Counsel and Secretary
Mueller Industries, Inc.
8285 Tournament Drive, Suite 150
Memphis, Tennessee 38125

EPA Region 5 Records Ctr.



372357

Re: Response to Request for Information dated August 24, 2007

Dear Mr. Wilkerson:

I'm writing to notify you that the United States Environmental Protection Agency intends to disclose to Industrial Economics, Incorporated the information Mueller Industries, Inc. provided to the U.S. EPA on August 24, 2007. The U.S. EPA is providing Mueller with this notice as required by 40 C.F.R. § 2.310(h)(2)(iii). Please provide to the U.S. EPA within five (5) business days of receipt of this letter any comments on this proposed disclosure.

As you are aware, Mueller sent to U.S. EPA on August 24, 2007, a response to a request for information issued pursuant to Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act. Mueller designated as confidential business information (CBI) certain portions of its response.

40 C.F.R. § 2.301(h)(2)(iii) provides as follows:

No information shall be disclosed under this paragraph (h)(2) until each affected business has been furnished notice of the contemplated disclosure by the EPA program office and has been afforded a period found reasonable by that office (not less than 5 working days) to submit its comments. Such notice shall include a description of the information to be disclosed, the identity of the contractor or subcontractor, the contract or subcontract number, if any, and the purposes to be served by the disclosure.

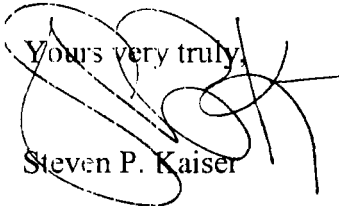
U.S. EPA's Superfund Division intends to provide Mueller's August 24, 2007, response to its contractor, IEC. IEC is located at 206 Massachusetts Avenue, Cambridge, Massachusetts. IEC provides services to U.S. EPA under the terms set forth in Task Order No. 1, Contract No. EP-W-06-092.

In order for CERCLA CBI to be disclosed to a contractor, the U.S. EPA's regulations at § 2.310(h)(2) require that the contract provide that the contractor's employees:

- Shall use the information only for the purposes of carrying out the work required by the contractor or subcontract;
- Shall refrain from disclosing the information to anyone other than U.S. EPA without the prior written approval of each affected business or of a U.S. EPA legal office;
- Shall return to U.S. EPA all copies of the information (and any abstracts or extracts therefrom) upon request by the U.S. EPA program office, whenever the information is no longer required by the contractor or subcontractor for the performance of the work or upon completion of the contract or subcontract; and
- Shall obtain a written agreement to honor such terms of the contract or subcontract from each of the contractor's or subcontractor's employees who will have access to the information, before such employee is allowed such access.

The U.S. EPA has confirmed that IEc meets the criteria sets forth in § 2.310(h)(2). The U.S. EPA intends to disclose Mueller's response to IEc so that IEc may assist U.S. EPA in determining whether a basis exists for naming Mueller as a potentially responsible party at the U.S.S. Lead Superfund Site in East Chicago, Illinois.

If you have any questions, please do not hesitate to call me. I may be reached at (312) 353-3804.

Yours very truly,

Steven P. Kaiser

SPK/spk

cc: Michael Berkoff
Linda Mangrum